

FINAL



Town of Southern Shores

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Planning Board Meeting

March 21, 2016

5:30 p.m., Pitts Center

MEETING MINUTES

I. CALL TO ORDER:

Chairperson Sam Williams called the meeting to order at 5:30 pm. Planning Board Members Gray Berryman, Elizabeth Morey, David Neal, Jay Russell, and Sam Williams were present.

II. PLEDGE OF ALLEGIANCE:

Chairperson Sam Williams led the Pledge of Allegiance.

III. APPROVAL OF AGENDA:

Jay Russell motioned to approve the agenda. Gray Berryman seconded the motion. The motion passed unanimously (5-0).

IV. APPROVAL OF MINUTES:

David Neal motioned to approve the minutes of the January 20, 2016 Planning Board Meeting. Gray Berryman seconded the motion. The motion passed unanimously.

V. PUBLIC COMMENT:

None.

VI. OLD BUSINESS:

None.

VII. NEW BUSINESS:

- A. CUP-16-01: Submitted by Aston Properties to make improvements to the Marketplace shopping center.

Chairperson Williams introduced the application and called on Wes Haskett to present the Staff Report (see attached). Wes Haskett presented the Staff Report and noted that one condition had been added that was not included in the Board's packets. The additional condition states that if approved, the vested right period shall expire two years from the date of the Town Council's approval.

Due to the late submittal of a revised site plan, Chairperson Williams polled the Board to see if they felt prepared to consider the application. The Board agreed that they felt prepared to consider the application. Consideration of CUP-16-01 went forward.

Gray Berryman and David Neal asked how long the requested vested right period would be in effect. Wes Haskett stated two years from the Town Council's approval.

Chairperson Williams called on the applicant, Karen Partee with Aston Properties, to present the application. Karen Partee stated that what they are proposing will allow them to implement key changes in order for the shopping center to be successful. The proposed improvements in the application include construction of a new multi-tenant building with two restaurants and retail space and a new freestanding pharmacy. The multi-tenant building would be developed initially and the freestanding pharmacy would come later. The drive-through in the multi-tenant building would be accessed using a one way driveway around the building. The pharmacy drive-through would be located between the pharmacy and the adjacent shopping center building. A canopy would connect these two buildings. Both new buildings would incorporate a coastal concept design but the pharmacy would be allowed to also incorporate the tenant's preferences. Design elements will be finalized after tenant negotiations are finalized.

Chairperson Williams asked if the awnings on the back side of the multitenant building would stick out and possibly obstruct the one way access. Karen Partee stated that they would be made of fabric and would stick out three feet from the building but would not obstruct the access.

Chairperson Williams and Elizabeth Morey asked about pedestrian access and bicycle racks and bicycle path connection. Karen Partee stated that they would look into revising the site plan to update the bicycle path, crosswalks, crosswalk signage, and the possibility of adding a bicycle rack.

The Board asked about the proposed landscaping, parking spaces, and emergency vehicle access to the multitenant parking area. Karen Partee stated that the species used in the landscape plan would be salt resistant. The engineering firm will confirm if the proposed parking spaces are 9.5 ft. wide and will revise the parking spaces if needed. An existing fire hydrant is adjacent to the entrance to the proposed multi-tenant building parking area and the turn radius of the entrance will be examined and revised if needed to accommodate emergency vehicles.

Chairperson Williams motioned to recommend approval of the application to the Town Council with Town Staff's recommended conditions. Jay Russell seconded the motion. The motion passed unanimously.

VIII. Public Comment
None.

IX. PLANNING BOARD MEMBER COMMENTS:
David Neal stated the he was concerned about the Town Council not accepting the Board's recommendation on the large structures Zoning Text Amendment application.

X. ANNOUNCEMENTS:
Chairperson Williams announced that the next scheduled Planning Board meeting date is April 18, 2016 at 5:30 p.m. A Variance application has been submitted for the Board's consideration.

XI. ADJOURNMENT:
Elizabeth Morey motioned to adjourn. Gray Berryman seconded the motion. The motion passed unanimously and the meeting adjourned at 6:45 p.m.

ATTEST:



Sam Williams, Chairperson

RESPECTFULLY SUBMITTED:



Wes Haskett, Town Planner

STAFF REPORT

To: Southern Shores Planning Board
Date: March 18, 2016
Case: CUP-16-01
Prepared By: Wes Haskett, Town Planner/Code Enforcement Officer

GENERAL INFORMATION

Applicant: Aston Properties
610 E. Morehead St.
Charlotte, NC 28202

Representative: Michael Theberge, Bohler Engineering
800 West Hill St.
Charlotte, NC 28207

Requested Action: Conditional Use Permit application to make improvements to the Marketplace shopping center (Group Development). The proposed improvements include construction of a new multi-tenant building with two restaurants, one with a drive-through, and retail space and a new freestanding pharmacy with drive-through.

PIN #: 986720717057
Location: 5500 N. Croatan Hwy.
Zoning: C, General Commercial District

Existing Land Use: "Commercial"

Surrounding Land Use & Zoning:

North- Residential; RS-1, Single-Family Residential District

South- Highway 158, Town of Kitty Hawk

East- Commercial; C, General Commercial District

West- Commercial; C, General Commercial District

Physical Characteristics: Developed (existing Group Development)

Applicable Regulations: Town Zoning Ordinance: Article III, Interpretation and Definition of Terms; Article IV, Application of Regulations; Article VI, General Provisions; Article VII, Schedule of District Regulations; Article X, Administration and Enforcement.

ANALYSIS

The applicant seeks a Conditional Use Permit to construct a 13,225 sq. ft. CVS Pharmacy with a drive-through and an approximate 7,210 sq. ft. multi-tenant building which contains two restaurant spaces, one with a drive through, and two retail spaces. The proposed improvements incorporate pervious pavement as recently established in Section 36-207, (d), 5 which allows an increase in the total lot coverage for the site of up to 67% instead of 60%. Group Developments, or substantial improvements to Group Developments, and restaurants are permitted uses in the C,

General Commercial District provided that a Conditional Use Permit is granted by the Town Council following a recommendation made by the Town Planning Board. In granting any Conditional Use Permit, the Town Council may prescribe appropriate conditions and safeguards in conformity with Article X, Administration and Enforcement. Before granting any Conditional Use Permit, the Town Council shall make affirmative findings that:

- a. The applicant has met the requirements of the applicable provisions of the Town Chapter pertaining to Zoning, Subdivision Chapter, and all other applicable Ordinances.
- b. That the use as proposed will conform with the Town's Land Use Plan, and will be compatible with the area in which it is to be located, if developed in accordance with the conditions specified in the Chapter and additionally required by the Town Council as authorized by the Chapter.
- c. That the use will not materially endanger the public health and safety if located where proposed and developed according to the plan submitted.
- d. That the use as proposed will not overburden the Town Volunteer Fire Department fire-fighting capabilities and the County water supply capacity to the Town, as said facilities and capabilities will exist on the completion date of the conditional use for which the application is made.

RECOMMENDATION

The Land Use Plan identifies this area as Commercial in the C, General Commercial zoning district which is consistent with the improvements proposed in the application. All applicable regulations of the Town Zoning Ordinance and all of Town Staff's concerns that are applicable to this application have been identified or are addressed in the recommended conditions. Town Staff offers the following conditions for consideration:

1. The following permits shall be issued prior to submittal of a Building Permit application:
 - a. Soil Erosion Sedimentation Control Plan Permit for land disturbance over 1 acre as issued by the NCDEQ;
 - b. Stormwater Management Permit as issued by the NCDEQ;
 - c. NCDOT Encroachment Agreement for work within the ROW of Hwy 158 as issued by the NCDOT;
 - d. Improvement Permit and Authorization to Construct a new wastewater collection, treatment and disposal system as issued by the DCHD and reviewed and approved by the NCDHHS;
 - e. Review and approval of potable water distribution system modifications or extensions by the DCWD Engineer;
2. If approved, the requested vested right period shall expire two years from the date of the Town Council's approval.
3. The applicant must strictly abide by all requirements of the Town Code and must also strictly comply with all other applicable local, State, and Federal requirements.